

HOUSE BILL NO. 712

INTRODUCED BY R. HEINERT

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT LICENSE AGENTS WHO SELL HUNTING, FISHING, AND RELATED LICENSES MUST MAKE AN APPLICATION FOR VOTER REGISTRATION AVAILABLE TO ANYONE WHO PURCHASES A LICENSE FROM THE LICENSE AGENT; AND AMENDING SECTIONS 13-2-221, 87-2-903, AND 87-2-904, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-2-221, MCA, is amended to read:

"13-2-221. Agency-based registration. (1) Qualified individuals must be given the opportunity to register to vote when applying for or receiving services or assistance:

(a) at an agency that provides public assistance;

(b) at or through an agency that provides state-funded programs primarily engaged in providing services to persons with disabilities; ~~or~~

(c) at the location where a license agent, appointed under 87-2-901, collects license fees for any license authorized under Title 87, chapter 2; or

~~(e)(d)~~ at another agency designated by the secretary of state with the consent of the agency.

(2) (a) Agency-based registration sites must:

~~(a)(i)~~ (i) distribute application for voter registration forms with each application for services or assistance; and

~~(b)(ii)~~ assist an applicant in completing an application for voter registration form, unless the applicant refuses assistance.

(b) For the purposes of this section, the location where a license agent collects license fees for any license authorized under Title 87, chapter 2, is not an agency-based registration site.

(3) The completed application for voter registration form must be transmitted by the agency to the election administrator of the county of the elector's residence within the time period specified by 42 U.S.C.

1 1973gg, et seq.

2 (4) As used in this section, the following definitions apply:

3 (a) (i) "Agency" means a state agency as defined in 2-4-102(2)(a) or an office of a political subdivision.

4 (ii) A license agent licensed pursuant to Title 87, chapter 2, part 9, is not an agency for purposes of this
5 section.

6 (b) "Political subdivision" means a city, county, consolidated city-county government, or town."
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8 **Section 2.** Section 87-2-903, MCA, is amended to read:

9 **"87-2-903. Compensation, fees, and duties of agents -- penalty for late submission of license**
10 **money.** (1) License agents, except salaried employees of the department, must receive for all services rendered
11 a commission of 50 cents for each transaction.

12 (2) Each license agent shall submit to the department the money received from the sale of licenses,
13 less the appropriate commission.

14 (3) Each license agent shall submit to the department copies of each license sold.

15 (4) The department may charge license agents appointed after March 1, 1998, an electronic license
16 system installation fee not to exceed actual costs.

17 (5) The department may designate classes of license agents and may establish a deadline for
18 submission of license money by each class of agent. Each license agent shall keep the license account open
19 at all reasonable hours to inspection by the department, the director, the wardens, or the legislative auditor.

20 (6) For purposes of this section, the term "transaction" includes the sale of any license, permit, or
21 certificate prescribed by the department.

22 (7) If a license agent fails to submit to the department all money received from the declared sale of
23 licenses, less the appropriate fee, by the deadline established by the department, an interest charge equal to
24 the rate charged under 15-1-216 must be assessed. Acceptance of late payments with interest does not preclude
25 the department from summarily revoking the appointment of a license agent under 87-2-904.

26 (8) Every license agent shall make available an application for voter registration to anyone who
27 purchases any license under this title. Displaying applications for voter registration at the location where the fee
28 for the license is collected from the purchaser is sufficient to comply with this subsection.

29 ~~(8)~~(9) The department may adopt rules necessary to implement this section."
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Section 3. Section 87-2-904, MCA, is amended to read:

"87-2-904. Nontransferability of appointments -- revocation and oaths. (1) Appointments of license

~~agents shall be~~ Appointment as a license agent is nontransferable, and each appointment ~~shall be~~ is valid only

at the single location of the business as stated on the certificate of appointment.

(2) Such appointments Except as provided in subsection (4), an appointment as a license agent may

be summarily revoked at any time by the director upon discontinuance of the business at the stated location or

for noncompliance with the provisions of this part or other regulations.

~~(3) Duly appointed license agents are hereby~~ Each license agent is authorized to administer oaths to

applicants for hunting and fishing licenses and for other permits and certificates prescribed by the department.

(4) The appointment as a license agent may not be revoked if 87-2-903(8) is the only provision of this

part with which the license agent does not comply."

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